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EASTERN DISTRICT OF CALIFORNIA  
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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE AGUILAR SANTOYO,  
JAVIER RIOS MORALES, and  
JOSE SALVADOR GARCIA RODRIGUEZ.  
  
Defendants.

CASE NO. 1:13 CR - 00340 LJO SKO

VIOLATIONS: 21 U.S.C. §§ 846, 841(a)(1),  
841(b)(1)(A), 841(b)(1)(B) - Conspiracy To  
Manufacture, To Distribute, And To Possess With  
The Intent To Distribute Marijuana; 21 U.S.C. §§  
841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 18 U.S.C. § 2  
- Manufacture Of Marijuana And Aiding And  
Abetting; 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),  
841(b)(1)(B), and 18 U.S.C. § 2 - Possession Of  
Marijuana With The Intent To Distribute And Aiding  
And Abetting; 18 U.S.C. § 1361, 2 - Depredation Of  
Public Lands And Resources And Aiding And  
Abetting; 18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 21  
U.S.C. § 853, 28 U.S.C. § 2461(c) - Forfeiture  
Allegation

INDICTMENT

COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A) and 841(b)(1)(B) - Conspiracy to  
Manufacture, to Distribute and/or to Possess with the Intent to Distribute  
Marijuana]

The Grand Jury charges: T H A T

JOSE AGUILAR SANTOYO,  
JAVIER RIOS MORALES, and  
JOSE SALVADOR GARCIA RODRIGUEZ,

1 defendants herein, beginning at a time unknown, but no later than on or about May 1, 2013, and  
2 continuing to on or about August 28, 2013, in the Counties of Inyo and Riverside, within the State and  
3 Eastern and Central Districts of California, and elsewhere, did knowingly and intentionally conspire and  
4 agree with each other and other persons, known and unknown to the Grand Jury, to manufacture, to  
5 distribute, and/or to possess with the intent to distribute 1,000 or more marijuana plants and/or 100  
6 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I  
7 controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A),  
8 841(b)(1)(B) and 846.

9 COUNT TWO: [21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 18 U.S.C. § 2 - Manufacture  
10 of Marijuana and Aiding and Abetting]

11 The Grand Jury further charges: T H A T

12 JOSE AGUILAR SANTOYO,  
13 JAVIER RIOS MORALES, and  
14 JOSE SALVADOR GARCIA RODRIGUEZ,

15 defendants herein, beginning at a time unknown, but no later than on or about May 1, 2013, and  
16 continuing to on or about August 28, 2013, in the Counties of Inyo and Riverside, within the State and  
17 Eastern and Central Districts of California, and elsewhere, did knowingly and intentionally  
18 manufacture, and/or aid and abet the manufacture of, 1,000 or more marijuana plants and/or 100  
19 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I  
20 controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and  
21 841(b)(1)(B), and Title 18, United States Code, Section 2.

22 COUNT THREE: [21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 18 U.S.C. § 2 - Possession  
23 with the Intent to Distribute Marijuana and Aiding and Abetting]

24 The Grand Jury further charges: T H A T

25 JOSE AGUILAR SANTOYO,  
26 JAVIER RIOS MORALES, and  
27 JOSE SALVADOR GARCIA RODRIGUEZ,

28 defendants herein, beginning at a time unknown, but no later than on or about May 1, 2013, and  
continuing to on or about August 28, 2013, in the Counties of Inyo and Riverside, within the State and  
Eastern and Central Districts of California, and elsewhere, did knowingly and intentionally possess with

1 the intent to distribute, and /or aid and abet the possession with the intent to distribute, 1,000 or more  
2 marijuana plants and/or 100 kilograms or more of a mixture or substance containing a detectable amount  
3 of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections  
4 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B), and Title 18, United States Code, Section 2.

5 COUNT FOUR: [18 U.S.C. §§ 1361, 2 - Depredation of Public Lands and Resources and Aiding  
6 and Abetting]

7 The Grand Jury charges: T H A T

8 JOSE AGUILAR SANTOYO,  
9 JAVIER RIOS MORALES, and  
JOSE SALVADOR GARCIA RODRIGUEZ,

10 defendants herein, beginning at a time unknown, but no later than on or about May 1, 2013, and  
11 continuing to on or about August 28, 2013, in the County of Inyo, within the State and Eastern District  
12 of California, and elsewhere, did willfully and by means of committing one or more the marijuana  
13 offenses alleged in Counts One through Three herein, did attempt to injure and commit a depredation,  
14 and aid and abet the attempt to injure and commission of a depredation, against property of the United  
15 States and of any department or agency thereof, namely land and natural resources in Inyo National  
16 Forest within the jurisdiction of the U.S. Forest Service, and the resulting damage was more than  
17 \$1,000, in violation of Title 18, United States Code, Section 1361.

18 FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 21 U.S.C. § 853, 28  
19 U.S.C. § 2461(c) - Criminal Forfeiture]

20 The Grand Jury further alleges that:

21 The allegations set forth in the above Indictment are incorporated by reference as though fully  
22 set forth herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections  
23 981(a)(1)(C), 981(a)(1)(G), Title 21, United States Code, Section 853, and Title 28, United States Code,  
24 Section 2461(c).

25 Pursuant to one or more of the following: Title 18, United States Code, Section 981(a)(1)(C),  
26 Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), and upon  
27 conviction for any of the offenses alleged in this Indictment, the defendants shall forfeit to the United  
28 States any property, real or personal, which constitutes or is derived from proceeds of the criminal

1 conduct, and/or scheme, and/or conspiracy, alleged in this Indictment, or any property traceable to such  
2 property.

3 Pursuant to one or more of the following: Title 18, United States Code, 981(a)(1)(G), Title 21,  
4 United States Code, Section 853, and upon conviction of one or more of the offenses alleged in this  
5 Indictment, the defendants shall forfeit to the United States any property, real or personal, that  
6 constitutes, or is derived from, or is traceable to the proceeds obtained directly or indirectly from the  
7 commission of the criminal conduct alleged in this Indictment, and/or that is used or is intended to be  
8 used to facilitate, or is used or intended to be used commit the criminal conduct alleged in this  
9 Indictment, or is involved in or intended to be involved in the criminal conduct alleged in this  
10 Indictment, or any property traceable to such property.

11 Pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 981(a)(1)(G), Title 21, United  
12 States Code, Section 853, and Title 28, United States Code, Section 2461(c), if any property subject to  
13 forfeiture, as a result of any act or omission of defendants or agents of defendants or upon direction by  
14 the defendants:

- 15 a. cannot be located upon the exercise of due diligence;
- 16 b. has been transferred or sold to, or deposited with, a third party;
- 17 c. has been placed beyond the jurisdiction of the court;
- 18 d. has been substantially diminished in value; or
- 19 e. has been commingled with other property which cannot be divided without  
20 difficulty,

21 the United States of America shall be entitled to forfeiture of any other property of the defendants, up to  
22 the value of the property subject to forfeiture, including but not limited to a personal forfeiture money

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1 judgment, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United  
2 States Code, Section 982(b)(1), and Title 28, United States Code, Section 2461(c).

3 A TRUE BILL.

4  
5 **/s/ Signature on file w/AUSA**

6 FOREPERSON

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9 BENJAMIN B. WAGNER  
10 United States Attorney

11 By **Mark E. Cullers**  
12 MARK E. CULLERS  
13 Assistant U.S. Attorney  
14 Chief, Fresno Office  
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